

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

CURTIS LEE PRUITT

CIVIL ACTION NO. 03-2221

-VS-

JUDGE LITTLE

HARRIS HATCHET, ET AL.

JUDGMENT

Before the court is a report and recommendation of the magistrate recommending that the motion for summary judgment [Doc. #37] filed by defendants Harris Hatchet, Raymond Smith, Officer Hurley, and Dustin Dubroc (collectively, “Defendants”) be granted and that the civil rights complaint filed under Bivens¹ by *pro se* prisoner plaintiff Curtis L. Pruitt (“Pruitt”), proceeding *in forma pauperis*, be denied and dismissed with prejudice. Pruitt has timely filed an objection to the magistrate’s report.² Pruitt’s objection was more than adequately dealt with by the report and he fails to offer any evidence, through affidavits or otherwise, of a genuine issue of material fact which would preclude the grant of summary judgment on whether the Defendants used excessive force on Pruitt and, thus, the Defendants are entitled to summary judgment based on qualified immunity. After a de novo review of

¹ Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971).

² This court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations by the magistrate. See United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir. 1989); 28 U.S.C. § 636(b)(1) (2005); LR 74.1W(B) (2005). The district court is not, however, required to make new findings of fact or to reiterate the findings and conclusions of the magistrate if found to be correct. See Warren v. Miles, 230 F.3d 688, 694-95 (5th Cir. 2000); Koetting v. Thompson, 995 F.2d 37, 40 (5th Cir. 1993).

the portions of the report Pruitt has objected to, as well as of the entire record, this court accepts the findings and recommendations of the magistrate as correct and adopts the report in its entirety.

Accordingly, the Defendants's motion for summary judgment [#37] is GRANTED and Pruitt's civil rights complaint, filed under Bivens, is, therefore, DENIED and DISMISSED WITH PREJUDICE.

Alexandria, Louisiana

29 June 2005

A handwritten signature in black ink, appearing to read "F. A. Little, Jr.", with a stylized, cursive script.

F. A. LITTLE, JR.
UNITED STATES DISTRICT JUDGE